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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/382,907 08/25/99 KEISER

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EXAMINER

TM02/0529

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ROBINSON ROYCE, A

ART UNIT

PAPER NUMBER

2163

DATE MAILED:

05/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/382,907

Applicant(s)
Keiser, et al.

Examiner
Akiba Robinson-Boyce

Art Unit
2163



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 16, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

SAM RIMMEL
PRIMARILY EXAMINED
PTO 2166

Art Unit: 2163

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 9, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Braddock, III (US Patent 4,412,287) as discussed in paragraph #2, paper #7.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braddock, III (US patent 4,412,287), and further in view of Perg, et al (US Patent 5,237,500) as discussed in paragraph #4, paper #7.

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5. Claims 15-22, 24-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braddock, III (US patent 4,412,287), and further in view of Perg, et al (US Patent 5,237,500).

As per claims 15, 20, 24, 28, 33, 34, 35, 40, 41, Braddock, III discloses:

issuing...currency...(Col. 6, lines 18-20;

utilizing the computerized trading system, allowing buying and selling...utilizing the computerized trading system, buying at least one of the virtual financial instruments.../utilizing the computerized trading system, selling at least one of the virtual financial instruments..(Col. 7, lines 13-36);

adjusting a discount...(Col. 19, lines 23-25).

Braddock, III fails to teach the following, however Perg, et al discloses:

virtual currency...(Abstract, lines 1-8, [where the examiner is interpreting “constant-dollar” of Perg, et al as the “virtual currency” of the present invention]).

wherein the first fund of virtual currency is not associated with any user...(Col. 2, lines 47-51).

It would have been obvious to one of ordinary skill in the art to use virtual currency and to have the first fund of virtual currency is not associated with any user because first, virtual currency does not have a constant value and therefore is not limited to one application. Second, obtaining funds from outside sources is common and well known in the financial trade art. Outside sources such as banks are frequently used for alternate funding in the trading business.

As per claims 16, 17, 22, 25, 26, Braddock, III discloses:

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wherein the first fund of virtual currency is generated by the computerized trading system...wherein the first fund of virtual currency did not exist within the computerized trading system.../wherein the virtual currency issued to the users did not exist withing the computerized...(Col. 6, lines 22-25, [order (which consists of stock) is placed on a disk and moved to the computer for execution]).

As per claims 18, Braddock, III discloses:

adjusting a discount...(Col. 19, lines 23-25).

As per claims 19, 29, 32, 36, 39, Braddock, III fails to disclose the following, however Perg, et al discloses:

wherein adjusting the discount rate changes a ratio of the discount rate to a rate of interest.../wherein the discount rate is utilized in calculating periodic interest...(Col 6, line 63-Col. 7, line 2);

It would have been obvious to one of ordinary skill in the art to change a ratio of the discount rate to a rate of interest in order to attract more buyers and sellers into the trade.

As per claims 21, 27, 37, Braddock, III discloses:

wherein buying/selling at least one of the virtual financial instruments utilizing at least a portion of a first fund of virtual currency is performed to regulate/reduce market volatility...(Col 19, lines 17-30).

As per claims 30, 31, 38, Braddock, III discloses:

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determine appropriate buying and selling...based on parameters.../wherein at least one of the parameters/the price movement parameter is associated with trading activity...(Col.15, lines 18-19).

6. Claims 4-7, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braddock, III (US patent 4,412,287), and further in view of Perg, et al (US Patent 5,237,500) and Stein, et al (5,826,241) as discussed in paragraph #5, paper #7.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Braddock, III (US patent 4,412,287), and further in view of Perg, et al (US Patent 5,237,500) and Stein, et al (5,826,241).

As per claim 23, nether Braddock, III or Perg, et al disclose the following, however Stein, et al discloses:

wherein the virtual currency is issued by a virtual reserve bank...(Col. 3, lines 46-47).
It wold have been obvious to one of ordinary skill int the art for a virtual reserve bank to issue the virtual currency because banks are the institutions are defined as establishments for exchanging/issuing money.

Response to Arguments

8. Applicant's arguments filed 3/16/01 have been fully considered but they are not persuasive.

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As per claims 1, 8-9 and 13-14, the applicant argues that Braddock, III fails to actively participate in the market as a trader, fails to generate electronic currency to execute orders and fails to generate buy and sell orders. However the examiner disagrees. The examiner feels that Braddock, III's system central computer system for order execution acts as the trader and actively participates in the market as shown in Col. 6, lines 16-25. Also, the passage which reads "If there are orders which could be executed, they are taken from the disk associated with the market execution computer to the computer for execution" in Col. 6, lines 23-26 describes a process of generating electronic currency because since the order (which comprises electronic stock [currency]) is transferred to the computer for execution, and never existed in that particular system, this currency must have therefore been generated in that particular system. Also, the examiner believes that Braddock, III's system is generating orders in Col. 6, lines 10-15. Here, Braddock, III's system automatically creates order records and sends these records through queues to the market execution computer. For these reasons, the examiner has maintained her rejections.

As per claims 2-3 and 10-11, the applicant argues that Perg, et al does not teach or suggest, alone or in combination the missing features of the claims of the present invention, particularly Hollywood dollars. However, the examiner disagrees. The examiner is interpreting the Hollywood dollars of the present invention to be equivalent to a virtual type of currency. Virtual currency is a type of currency which is not limited to a constant value and can be adjusted accordingly. Perg, et al teaches this limitation in Col. 1, lines 14-26. The whole purpose of using

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the Perg, et al patent was to show that currency which has a constant-dollar value, unlimited purchasing power and which can be adjusted accordingly does exist and can be used in the financial art. For these reasons, the examiner has maintained her rejections.

As per claims 4-7, and 12, the applicant argues that the Stein, et al reference fails to teach the missing features of the claimed invention. However, the examiner disagrees. As discussed in the preceding paragraphs, the examiner believes that the Braddock, III and the Perg, et al references meet the claim limitations. Since the Stein, et al reference is directed towards buying and selling between users on a network, the examiner feels that this reference is suitable to combine with the Braddock, III and the Perg, et al references to complete the rejections. For these reasons, the examiner has maintained her rejections.

New claims 15-41 are rejected as discussed above in paragraph #'s 5 and 7.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on

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the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

An inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba Robinson-Boyce whose telephone number is (703) 305-1340. The examiner can normally be reached on Monday-Friday from 6:30 AM-3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.

An inquiry of a general nature or relating to the status of this application proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Akiba Robinson-Boyce

Patent Examiner

Group Art Unit 2163

May 22, 2001

*SAM RIMEL
PRIMARY EXAMINER
AU 2163*